

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division
Rail Transit Safety Branch

Resolution ST-180
December 17, 2015

RESOLUTION

RESOLUTION ST-180 GRANTING THE SAN
FRANCISCO BAY AREA RAPID TRANSIT DISTRICT A
PERMANENT VARIANCE FROM GENERAL ORDER 175,
SECTION 8.4a, AND SECTIONS 6.1c, 6.3.d.i, AND 6.3.e

SUMMARY

This Resolution grants the request of the San Francisco Bay Area Rapid Transit District for a permanent variance to General Order 175, Section 8.4a for the job classification station agent. Also, this Resolution grants the request of the San Francisco Bay Area Rapid Transit District for a permanent variance from General Order 175 Sections 6.1.c, 6.3.d.i, and 6.3.e, such that the Automatic Train Operations' speed code of 27 miles per hour is incorporated as the maximum restricted speed for train protection.

BACKGROUND

By a letter dated July 30, 2014, BART requests a permanent variance to General Order (G.O.) 175 Section 8.4a for the job classification of Station Agent for the District. This variance would allow the San Francisco Bay Area Rapid Transit District (BART or the District) to continue the recertification of Station Agents every 36 months or 3 years per the BART Employee Certification Plan. The District has classified all Station Agents as roadway workers despite the fact that they seldom go into the trackway, and when they do, very limited trackway is accessed for a minimal duration. BART's Station Agents have completed the G.O. 175 Roadway Worker Protection (RWP) certification training as per G.O. 175, Section 8, and are trained Roadway Workers.

General Order 175, Rules and Regulations Governing Roadway Worker Protection Provided by Rail Transit Agencies and Rail Fixed Guideway Systems, Section 8.4a states:

Each Rail Transit Agency (RTA) at least once every 24 months shall retrain all roadway workers and employees with Roadway Worker Protection (RWP) responsibilities on the RWP training program for roadway workers.

In addition, by a letter dated July 30, 2014, BART requests a variance from G.O. 175 Sections 6.1.c, 6.3.d.i. and 6.3.e such that the ATO speed codes of 27 miles per hour (mph) is incorporated as the maximum restricted speed for train protection. BART and California Public Utilities Commission (CPUC) staff have met a number of times on this issue since Interim Decision 13-10-073 adopting G.O. 175 was passed by the CPUC.

General Order 175, Rules and Regulations Governing Roadway Worker Protection Provided by Rail Transit Agencies and Rail Fixed Guideway Systems, Section 6.1.c states:

Roadway workers may occupy General Order 143 series compliant Walkways in tunnels and on elevated structures where there is insufficient clearance to remain clear of the track zone. Trains must be slowed to 25 miles per hour or less before roadway workers may occupy the track zone on the walkway.

General Order 175, Rules and Regulations Governing Roadway Worker Protection Provided by Rail Transit Agencies and Rail Fixed Guideway Systems, Section 6.1.d.i states:

On-rail vehicle movement into the work zone must be controlled by applying one or more of the following controls as appropriate:

with flags that indicate speed restrictions, advance warnings of stopping point, and stopping points: with watchpersons; and with all movements proceeding at a speed that will allow stopping within half the range-of-vision, limited also by a maximum miles-per-hour speed set by the Employee In Charge (EIC) of 25 miles per hour or slower.

General Order 175, Rules and Regulations Governing Roadway Worker Protection Provided by Rail Transit Agencies and Rail Fixed Guideway Systems, Section 6.3. e. states:

Rail transit vehicles, including on-track equipment, within working limits established by means of inaccessible track shall move only under the direction of the roadway worker in charge of the working limits, and shall move at a speed that will allow stopping within half the range-of-vision and also limited also by a maximum miles-per-hour speed set by the EIC of 25 miles per hour or slower.

BART requests using the 27 mph ATO maximum speed restrictions (via key-activated switches in the local Train Control Room through BART's vital Automatic Train Protection (ATP) subsystem) rather than requiring train operators to operate trains through a work area in manual mode to achieve the G.O. 175 required 25 mph limitation. BART's Automatic Train Control System (ATC) and its ATO and ATP subsystems were designed to have 27 miles per hour (mph) as the restricted speed for the system. In practice, due to the performance level assigned to the trains (PL-2), actual train speeds achieved under this ATO speed restriction are quite close to 25 mph. BART's Roadway Worker Protection Program contains new rules and procedures intended to take full advantage of its ATC system to achieve restricted speed for all trains traversing through a work area.

DISCUSSION

Commission General Order 175, Rules and Regulations Governing Roadway Worker Protection Provided by Rail Transit Agencies and Rail Fixed Guideway Systems, states that RTAs and Rail Fixed Guideway Systems operating in California must comply with rules and regulations

outlined in this General Order which govern roadway worker protection. Requests for exemptions or modifications from these rules and regulations shall contain a full statement of the reasons justifying the request. A request must demonstrate that safety would not be reduced by the proposed exemption of modification.

The District's letter, dated July 30, 2014, requests a variance from GO 175 Section 8.4a that would allow BART to continue the recertification of Station Agents every 36 months or 3 years per the BART Employee Certification Plan. The District has classified all Station Agents as roadway workers despite the fact that they seldom go into the trackway, and when they do, very limited trackway is accessed for a minimal duration. In fact, BART modified the Station Agent recertification program to include a new G.O. 175 module, raising awareness of RWP and enhancing overall Station Agent safety.

Currently, BART's Station Agents have completed the new G.O. 175 RWP certification training and are trained Roadway Workers. The current Station Agent includes RWP responsibilities and safety rules in full compliance with G.O. 175. Per BART's Employee Certification Plan, Station Agents are required to be certified every three years. The District's track record ensuring all Station Agents to be recertified within this three-year time frame has been excellent due to strong planning and resource coordination by the Operations Department. This three-year recertification cycle has been in place a long time. It would be challenging for the District to compress this window into a two-year time frame as out-of-certification issues may arise for many reasons. Every other job classification that have RWP responsibilities at BART are recertified every two years in accordance with G.O. 175 Section 8.4.a.

On rare occasions, Station Agents would ask for Operations Control Center's (OCC) authorization to access the trackway adjacent to the station platform to pick up an object dropped by a patron. In such cases, OCC would implement train protection holding trains out of the area and confirmed hold for a lone Roadway Worker per the District's new RWP Program before the Station Agent can receive a Work Area Clearance to access the trackway. However, their access to trackway is limited to the specific track adjacent to the station platform only. This is a very small

percentage of track for its entire system. Access to pick up an item would be of short duration and typically requires less than a minute.

Staff concurs that the RWP training material can be adequately refreshed in a three-year recertification cycle. Staff agrees granting the permanent variance to General Order 175, Section 8.4a, will not have an adverse effect on roadway worker or on system safety. Staff recommends that BART's request be granted.

BART's letter dated July 30, 2014, requests a variance from G.O. 175 Sections 6.1.c, 6.3.d.i. and 6.3.e, such that the ATO speed codes of 27 miles per hour is incorporated as the maximum restricted speed for train protection. BART asserts that it is safer to impose a speed restriction by using the 27 mph ATO maximum speed restrictions (via key-activated switches in the local Train Control Room through BART's vital ATP subsystem) than by requiring train operators to operate trains through a work area in manual mode to comply with the G.O. 175 limitation of 25 mph.

As part of the Roadway Worker Protection rulemaking proceeding, R. 09-01-020, as contemplated by Interim Decision 13-10-073 adopting G.O. 175, issued November 7, 2013, further workshops were held and comments sought regarding the G.O. and improvements to it.

The District's Chief Safety Officer (CSO) submitted a formal Prehearing Conference Statement to the Commission on the subject of this variance request on February 24, 2014. The District's CSO also spoke at the March 4, 2014, Prehearing Conference in front of Administrative Law Judge Kimberly Kim with the hope that the BART ATO restricted speed of 27 mph could be incorporated into the final revision of G.O. 175.

A final Staff report on the findings and results of the continued dialog of the parties on potential rule revisions has been submitted along with a proposed final rule revision. Staff notes that it did not propose, nor does the proposed revised final rule issued for comment on April 7, 2015, incorporate such an accommodation within the revised General Order.

Staff acknowledges BART's ATC System and its ATO and ATP subsystems were designed to have 27 mph as the restricted speed for the system, and in practice actual train speeds achieved under that speed restriction are quite close to the 25 mph required by G.O. 175. Staff generally agrees with BART's strategy of limiting manual operations, and concurs that trains running in ATO at a restricted speed of 27 mph provide more protection and safety than trains operating in manual mode attempting to achieve the 25 mph limitation.

Staff agrees that granting the modification to G.O. 175 Sections 6.1.c, 6.3.d.i. and 6.3.e such that the ATO speed codes of 27 miles per hour is incorporated as the maximum restricted speed for train protection will not have an adverse effect on roadway worker or system safety. Staff recommends that the request be granted.

NOTICE

On November 13, 2015, this Resolution was published on the Commission's Daily Calendar.

COMMENTS

The draft resolution of the Safety and Enforcement Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. No comments were received.

FINDINGS

1. By a letter dated July 30, 2014, BART requests a permanent variance to General Order 175 Section 8.4a for the job classification of Station Agent to allow BART to continue the RWP recertification of Station Agents every 36 months or 3 years per the BART Employee Certification Plan.
2. The access to trackway for BART's Station Agents is tightly controlled by procedure, limited to the specific track adjacent to the station platform only, and allowed only for short durations, typically to retrieve patron items dropped from platforms.

3. CPUC Staff agrees that the RWP training material can be adequately refreshed in a three-year recertification cycle for BART Station Agents.
4. By a letter dated July 30, 2014, BART requests a modification to G.O. 175 Sections 6.1.c, 6.3.d.i. and 6.3.e such that the Automatic Train Operations' speed codes of 27 miles per hour is incorporated as the maximum restricted speed for train protection.
5. BART's Automatic Train Control System and its ATO and ATP subsystems were designed to have 27 miles per hour as the restricted speed for the system.
6. BART would need for its train operators to go into manual operating mode to achieve the 25 mph speed limitation in G.O. 175.
7. There is only a 2 mph difference between the BART request of 27 mph and the G.O. 175 required 25 mph.
8. CPUC staff agrees that it is safer to impose a speed restriction by using the 27 mph ATO maximum speed restrictions through BART's vital Automatic Train Protection subsystem than by requiring train operators to operate trains through a work area in manual mode.
9. Granting these requests for permanent variances to G.O 175 will not adversely affect the safety of the Roadway Workers nor the safety of the BART system.

THEREFORE, IT IS ORDERED THAT:

1. The San Francisco Bay Area Rapid Transit District request, dated July 30, 2014, for a permanent variance to General Order 175 Section 8.4a for the job classification of Station Agent for the District is granted.
2. The San Francisco Bay Area Rapid Transit District request, dated July 30, 2014, for a modification to G.O. 175 Sections 6.1.c, 6.3.d.i. and 6.3.e such that the Automatic Train Operations' speed codes of 27 miles per hour is incorporated as the maximum restricted speed for train protection is granted.
3. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on

December 17, 2015. The following Commissioners voted favorably thereon:

TIMOTHY J. SULLIVAN
Executive Director